

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

RAYMOND MOREIRA, III,

Plaintiff,

v.

Case No. 6:20-cv-266-RBD-EJK

TAM LINHAS AEREAS, S.A.,

Defendant.

ORDER

In this case involving the alleged sexual assault of a minor, the parties settled their issues and then asked the Court to appoint a guardian ad litem for the minor and to approve the settlement. (Doc. 65 (“Motion”).) U.S. Magistrate Judge Embry J. Kidd entered an order resolving the Motion in part by denying the appointment of a guardian, finding it unnecessary given the lack of conflict between Plaintiff and his minor child. (Doc. 67); *see Burke v. Smith*, 252 F.3d 1260, 1264 (11th Cir. 2001) (“[U]nless a conflict of interest exists between the representative and minor, a district court need not even consider the question whether a guardian ad litem should be appointed. Generally, when a minor is represented by a parent who is a party to the lawsuit and who has the same interests as the child there is no inherent conflict of interest.” (citation omitted)). Judge Kidd then reviewed the settlement agreement in camera (Doc. 68) and

entered a Report and Recommendation on the remainder of the Motion, recommending that the Court approve the settlement. (Doc. 69 ("R&R")); *see* Fla. Stat. § 744.387(3)(a). The parties did not object and the time has passed, so the Court examined the R&R for clear error only. *See Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). The Undersigned also reviewed the settlement agreement in camera. Finding no error, the R&R is due to be adopted. *See In re Smith*, 926 F.2d 1027, 1029 (11th Cir. 1991) ("[The] Court must find that the settlement is fair, adequate and reasonable and is not the product of collusion between the parties.").

Accordingly, it is **ORDERED AND ADJUDGED**:

1. The R&R (Doc. 69) is **ADOPTED AND CONFIRMED** and made a part of this Order in its entirety.
2. The remainder of the Motion (Doc. 65) seeking approval of the settlement is **GRANTED**. The Motion is now fully resolved.
3. The settlement agreement reviewed in camera is **APPROVED**.
4. The file is to remain closed.

DONE AND ORDERED in Chambers in Orlando, Florida, on May 10, 2023.




ROY B. DALTON JR.
United States District Judge